

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

***Wednesday, February 11, 2004
9:00 a.m.***

Rancho California Water District District Board Room 42135 Winchester Road Temecula, California
--

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 28, 2004, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, February 4, 2004 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail should be submitted to: rbagenda@rb9.swrcb.ca.gov. Write the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.2, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 28, 2004.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: December 10, 2003.
4. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.
5. Recognition: Resolution of Appreciation for Eric Anderson (tentative Resolution No. R9-2004-0029) (*John Robertus*)

Consent Calendar: Items 6 through 10 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

6. City of Oceanside: Administrative Assessment of Civil Liability containing a \$9,000 Mandatory Minimum Penalty against the City of Oceanside for violation of effluent limitations established by Order No. R9-2000-0011, NPDES No. CA0107433, Waste Discharge Requirements for the City of Oceanside, San Luis Rey and La Salina Wastewater Treatment Plants, Discharge to the Pacific Ocean via the Oceanside Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0006) (*Rebecca Stewart*)
7. Fifth Avenue Condos, LLC, San Diego: Administrative Assessment of Civil Liability containing a \$6,000 Mandatory Minimum Penalty against Fifth Avenue Condos, LLC for violation of effluent limitations established by Order No. R9-2000-0090, General Waste Discharge Requirements for Temporary Groundwater Extraction and Similar Waste Discharges to San Diego Bay and Storm Drains or Other Conveyance Systems Tributary Thereto. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0028) (*Frank Melbourne*)
8. Encina Wastewater Authority, Carlsbad: Administrative Assessment of Civil Liability containing a \$6,000 Mandatory Minimum Penalty against the Encina Wastewater Authority for violation of effluent limitations established by Order No. R9-2000-0036, NPDES No. CA0107395, Waste Discharge Requirements for Encina Wastewater Authority, Discharge to the Pacific Ocean through the Encina Ocean Outfall. The Regional Board will decide on an order accepting payment of the proposed liability and waiver of hearing. (Tentative Order No. R9-2004-0003) (*Vicente Rodriguez*)
9. Revision of Waste Discharge Requirements: Otay Landfill Inc./Allied Waste Industries Inc., Waste Discharge Requirements for Otay Annex Landfill, San Diego County (tentative Addendum No. 4 to Order No. 90-09) (*Brian McDaniel*)
10. Revision of Waste Discharge Requirements: Stallion Oaks Ranch in Descanso, San Diego County (tentative Addendum No. 1 to Order No. 94-115) (*Ben Neill*)

Remainder of the Agenda (Non-Consent Items):

11. **PUBLIC HEARING:** Fallbrook Public Utility District, Fallbrook: Administrative Assessment for Civil Liability containing a \$99,000 Mandatory Minimum Penalty against Fallbrook Public Utility District for Violation of Order No. R9-2000-0012, NPDES Permit No. CA0108031, Waste Discharge Requirements for the Fallbrook Public Utility District, Wastewater Treatment Plant No. 1, Discharges to the Pacific Ocean via the Oceanside Ocean Outfall. If the discharger waives its right to a hearing, the matter will be postponed to a subsequent meeting to allow for a 30 day public review period. (Tentative Order No. R9-2004-0031) (*Frank Melbourne*)
12. NPDES Permit Reissuance: County of Riverside, City of Murrieta, City of Temecula, and Riverside County Flood Control and Water Conservation District; Discharges of Urban Runoff from the Municipal Separate Storm Sewer Systems within the Santa Margarita Watershed (The SDRWQCB will hear public testimony on this item today. After the close of the public comment period on February 18, 2004, the SDRWQCB will schedule a date for deliberating on all testimony and making a decision on this item. No additional written or oral testimony will be accepted after February 18, 2004, unless the SDRWQCB reopens the public comment period.) (Tentative Order No. R9-2004-0001, NPDES Permit No. CAS0108766) (*Megan Quigley*)
13. *Executive Session* - Discussion of Ongoing Litigation
The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. Robert Ortega, an individual in his capacity as Acting Commissioner of the International Boundary and Water Commission, United States Section, et al.. United States District Court, Southern District of California, Case No. 01-CV-027BTM(JFS); violation of effluent limits in waste discharge requirements for the International Wastewater Treatment Plant contained in Order No. 96-50 (NPDES No. CA0108928) and of Cease and Desist Order No. 96-52; Referral Order No. 99-61 (*David Hanson*); and the related “Surfrider” case:

Surfrider Foundation, San Diego Chapter v. Robert Ortega, et al., Case No. 99-CV-2441-BTM(JFS) (*David Hanson*)

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water

Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (Phil Hammer)

Fallbrook Public Utilities District v. State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region, Case No. GIC 81971; Petition for Writ of Mandate challenging administrative assessment of civil liability based on mandatory minimum penalties for violation of effluent limits in NPDES waste discharge requirements, and failure to amend the NPDES waste discharge requirements. (Frank Melbourne)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (Paul Richter)

14. *Executive Session* - Consideration of Initiation of Litigation

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

15. *Executive Session* - Discussion of Pending Litigation

The Regional Board may meet in closed session to discuss pending litigation.

Chutte & Koerting, Inc. and Ametek, Inc v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region

16. *Executive Session* - Personnel

The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]

17. Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year.

18. Arrangements for Next Meeting and Adjournment

Wednesday, March 10, 2004 - 9:00 a.m.

Water Quality Control Board

Regional Board Meeting Room

9174 Sky Park Court

San Diego, California

Notification

In December 2003, the Regional Board publicly noticed its intent to consider adoption of tentative Addendum No. 1 to Order No. R9-2003-0306 for the Prima Deshecha Landfill located in Orange County.

The agenda item was originally scheduled for consideration by the Regional Board during the meeting on February 11, 2004. As a result of further discussions with the County of Orange, consideration of the tentative Addendum has been postponed until further notice. (Amy Grove)

DIRECTIONS TO REGIONAL BOARD MEETING

Rancho California Water District
42135 Winchester Road
Temecula

From San Diego: I-15 North to Temecula and take the Winchester Road exit - turn left (West) on Winchester Road. Go past Jefferson then just after you pass Diaz (4-way stop) the Rancho Water building will be on the right.